

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEREJE ASRAT DEGFU ,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 2:24-cv-01275-JNW-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE

On November 7, 2024, the Honorable Theresa L. Fricke, U.S. Magistrate Judge for the Western District of Washington, issued a Report and Recommendation (“R&R”), Dkt. No. 7, recommending that the Court dismiss Petitioner Degfu’s case without prejudice and deny the pending motion to proceed in forma pauperis (“IFP”) as moot. For the reasons explained below, the Court adopts the R&R.

Judge Fricke screened Degfu’s habeas petition under Rule 4 of the Rules Governing § 2254 cases and found that Degfu was required to bring his claims under 28 U.S.C. § 2254—not 28 U.S.C. § 2241. See Dkt. No. 4 at 1–2. Finding that the petition contained unexhausted state-court claims, Judge Fricke ordered Degfu

1 to show cause by October 25, 2024, “why the petition should not be dismissed
2 without prejudice for failure to exhaust state court remedies.” Dkt. No. 4 at 2–3.
3 Degfu failed to respond, and as a result, Judge Fricke recommended that his case be
4 dismissed without prejudice. Dkt. No. 7.

5 No one has objected to the R&R, and the deadline for objecting has passed. As
6 the Court finds no clear errors on the face of the record, *see* Fed. R. Civ. P.
7 72(b) Advisory Committee’s Note to 1983 Amendment, the Court ORDERS:

8 (1) The Report and Recommendation is APPROVED and ADOPTED.

9 (2) This action is DISMISSED without prejudice.

10 (3) Petitioner’s pending motion to proceed in forma pauperis, Dkt. No. 1, is
11 DENIED AS MOOT.

12 (4) A certificate of appealability is DENIED.

13 (5) The Clerk is directed to send copies of this Order and the accompanying
14 Judgment to Petitioner and to the Honorable Theresa L. Fricke.

15 Dated this 4th day of December, 2024.

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17 Jamal N. Whitehead
18 United States District Judge
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